

Serial No. 10/797,629

Inventors: Larsen et al.

Filed: 031004

GAU: 1614

Examiner: Lezah Roberts

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REMARKS

Section 103. The Examiner has rejected some claims under a combination of Pellico and Prussin. Prussin relates to a wound antiseptic. Nothing in Prussin relates to dental whitening or dental bleaching. There would be no reason for a person working in the field of dental whitening or dental bleaching to look to the separate medical field of wound antiseptics as the problems of wound antiseptics are not encountered when bleaching teeth. Therefore Prussin is non-analogous art and all rejections based on Prussin should be withdrawn. As Prussin's primary contribution to the rejections was potassium iodide and sodium iodide, claims reciting these energizers in a dental bleach should be allowable at this time.

Section 102. Applicant has amended the claims to distinguish them from the disclosure of Pellico. In particular, Pellico does not recite the use of potassium iodide as the energizer phase of a 2-part dental bleach. Nor does Pellico disclose use of a combination of potassium iodide with potassium hydroxide in a 2-part dental bleach to achieve more rapid dental whitening. The pending claims recite a combination of potassium iodide and potassium hydroxide in the energizer phase of a 2-part dental bleach. As this is not suggested in the pertinent prior art, the pending claims should be allowable.

Double Patenting. The Examiner has rejected the current application under the double patenting doctrine in light of serial no. 10/923,502. Applicant wishes to point out that the '502 application claims household and industrial cleaners, not dental whiteners. Nothing in the '502 claims suggests that the industrial cleaner be used as a dental whitener or used within the human mouth. Typically industrial cleaners are toxic if ingested, so ordinarily persons of skill in the dental arts would not even consider placing an industrial cleaner within the human mouth. Therefore, Applicant does not believe the double patenting rejection is proper and Applicant requests that it be withdrawn.

If any extension of time is needed for this response, then such extension of time is hereby requested and petitioned for. If any fees are due related to this patent

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application or any submission concerning it, then those fees should be charged to the credit card authorized on the attached credit card authorization form.

Respectfully submitted this 7th day of August, 2006



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